THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19597 OF 1995

DATED: 29-08-2006

BETWEEN

S.R. Prabhakar, S/o. Satyanarayana,
Occ: Un-Employee, R/o. H.No.A/333,
F.C.I. City, Ramagundam, Karimanagar.

…PETITIONER

AND

The Deputy Director of Mines & Safety,
Hill Fort, Adarshnagar, Khairatabad,
Hyderabad and another.

…RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent in not issuing the appointment order to the petitioner as Watchman even though he has been selected for the said post as illegal and arbitrary.

It is stated that after considering the merits and demerits of the candidates the petitioner was not selected. However, the second respondent filed a counter stating that the petitioner's name was removed from the live register of the Employment Exchange on the intimation of the first respondent that the petitioner was selected to the post of watchman. It is further stated the name of the petitioner and his seniority has been restored in the employment exchange.

In view of the said fact, no direction requires to be issued to the

second respondent to restore the name of the petitioner. Insofar as the relief against the first respondent is concerned merely because the petitioner's name was sponsored by the Employment Exchange it cannot be said that he is entitled to the post of watchman. However, the selection authority after having considered the merits and demerits of the candidates rejected the selection of the petitioner and in the absence of any malafides attributed to the first respondent it cannot be said that the action of the first respondent is illegal and arbitrary.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

August 29, 2006
DSK